

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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CLERK
S.D. OF FLA. - MIAMI

CASE NO.: 00-6022-CIV-LENARD
MAGISTRATE JUDGE TURNOFF

HENRY NARANJO

Plaintiff,

vs.

STEPHEN BYRON SMITH, and
PALMER JOHNSON, INC.

Defendants,

PALMER JOHNSON, INC.

Third Party Plaintiff,

vs.

TOM FEXAS YACHT DESIGN, INC.

Third-Party Defendant.

PLAINTIFF'S MOTION FOR PROTECTIVE ORDER

COMES NOW the Plaintiff, HENRY NARANJO, by and through undersigned counsel, and pursuant to Federal Rule of Civil Procedure 26 (c), hereby files this Motion for Protective Order and states as follows:

1. The Defendant/Third Party Plaintiff, PALMER JOHNSON, INC, unilaterally scheduled the deposition (duces tecum) of two (2) Plaintiff's expert witnesses for Friday, August, 31, 2001.

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2. The expert witnesses scheduled for deposition are: (a) Robert J. Camuccio, Key Largo, Florida, a naval architect and marine engineer and (b) Burch Stewart, Hialeah Gardens, Florida, a chemist.
3. The Plaintiff received the Notice of Taking Deposition (duces tecum), via facsimile transmission, on Friday, August 24, 2001.
4. Robert Camuccio, a naval architect and marine engineer, was retained by the plaintiff to render an opinion on whether Defendant, PALMER JOHNSON, INC., was negligent in constructing the Yacht "Captivator" or whether the Yacht contained an inherently dangerous condition when it was completed by PALMER JOHNSON, INC. Burch Stewart, a chemist, was retained by the plaintiff to render an opinion on the cause of the explosion on the Yacht.
5. On August 20, 2001, the depositions of Donald Kasten, the corporate representative of Defendant, PALMER JOHNSON, INC., and Bjorn Johansson, the project supervisor, were taken in Sturgeon Bay, Wisconsin. The testimony given by these two witnesses contain fundamental facts upon which the two aforementioned experts will base their opinions. The deposition transcripts were ordered by the plaintiff at the time of the depositions but have not yet been received.
6. The plaintiff will make the experts, Robert Camuccio and Burch Stewart, available for deposition upon receipt of the aforementioned deposition transcripts at a mutually agreeable time.

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7. The plaintiff has conferred in good faith with the parties scheduling these depositions in order to resolve this dispute but has not been able to do so. This motion is made in good faith and with no intent to otherwise delay these proceedings.

WHEREFORE, for the reasons set forth above, the Plaintiff, HENRY NARANJO, respectfully requests this Honorable Court to grant this Motion and enter an order delaying the depositions of Robert Camuccio and Burch Stewart until the deposition transcripts of the PALMER JOHNSON, INC. witnesses have been transcribed.

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and correct copy of the foregoing Plaintiff's Motion for Protective Order was provided by facsimile transmission and U.S. mail on this 28th day of August, 2001, to the parties listed on the attached List of Service.

Respectfully submitted,

BLANCK & PERRY, P.A.
Co-Counsel for Plaintiff
5730 S.W. 74th Street, Suite 700
Miami, Florida 33143
Tel: 305/663-0177; Fax: 305/663-0146

BY: 

F. DAVID FAMULARI, ESQUIRE
FLA. BAR NO. 0860506

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LIST OF SERVICE

John D. Kallen, Esquire (Fla. Bar No.: 277428)
Badiak, Will & Kallen
Counsel for Stephen Byron Smith
17071 West Dixie Highway
North Miami Bch, FL 33160
Tel: 305/945-1851
Fax: 305/944-8780

David L. Weber, Esquire (Wisc. Bar No.: 1010749)
Pinkert Law Firm LLP
Co-Counsel for Palmer Johnson, Inc.
454 Kentucky Street
Sturgeon Bay, Wisconsin 54235-0089
Tel: 1/920/743-6505
Fax: 1/920/743-2041

Frank J. Sioli, Esq. (Fla. Bar No.: 9652)
Valle & Craig, P.A.
Counsel for Palmer Johnson, Inc.
Dadeland Center, Suite 1000
9155 S. Dadeland Boulevard
Miami, FL 33156
Tel: 305/373-2888
Fax: 305/373-2889

Joseph L. Mannikko, Esq. (Fla. Bar No.: 383120)
Mannikko & Baris
Counsel for Tom Fexas Yacht Design, Inc.
870 S.W. Martin Downs Boulevard
Suite 1
Palm City, Florida 34990
Tel: 561/283-0084
Fax: 561/283-1084